

FILED

JUL 12 2002

CLERK, U.S. DISTRICT COURT

By Deputy

3:01-CV-01301-L

In the United States District Court for the Northern District of Texas
Dallas Division

(USA and)
Jamal Elhaj-Cehade
Co- plaintiff

Vs.

Educational Commission for Foreign Medical Graduates
Et al entities and individuals) Defendants

Plaintiff's response to the defendants' recent reply filed July 10, 2002

July 12, 2002

Comes now on this date the plaintiff is filing his response to the defendants recent reply received on July 11, 2002 as follow:

FACTS

- 1- All the evidences submitted against the defendants are **admissible** under FRCP rules for reasons listed previously at one time or another
- 2- All the evidences and defendants pattern and conducts must be viewed as **most favorable** to the plaintiff side and in preponderance of evidence in this civil case.
- 3- The cases 3:99-CV-680-D and this case involve different incidents and different properties involved. This new case involves the use of newly acquired plaintiff's properties that were not available in the previous case(details available upon request)
- 4- The defendants **admitted** to owe the plaintiff duty and commitment to serve his best interest and to identify his NEEDS and meet them(**emphasis on Meet**) and maximize his benefits and provide him with information he needs etc..
- 5- until the defendants fully identify and meet the plaintiff needs and promote his excellence and advancement etc...the plaintiff application for licensure is delayed and the defendants are liable for every delay incurred and its associated damages incurred
- 6- Any gain by the defendants legal and otherwise, absent identifying and meeting the plaintiff needs constitute the opposite of identifying and meeting the plaintiff needs, and failure to serve the plaintiff interest and constitute admittance by the defendants of their violations.

Arguments

- 1- the plaintiff affirms that his motion for summary judgment was based in part upon the defendants' violation of FRCP rules of reducing costs of litigation and enhancing efficiency etc.. and on the violation of FRCP rules of producing evidence and by the violations of the public rules of non-profit organization status(quid-pro quo, made available to inquiry of the public¹ on the 501-C-3 governing rules etc..)

¹ Under the public rules of 501-C-3 and non profit organization claims. Such organizations subjected themselves to public inquiries regardless of who is the party inquiring about the matters involving non-profit organizations. the defendants failed to answer inquiries from people who are not part in this litigation also. In other words, the defendants must respond to inquiries from the plaintiff not only as being a plaintiff but also as being a public member inquiring. And the plaintiff is not the only person(public) to be denied access to inquiries from the defendants.

- 2- the plaintiff motion for summary judgment is also based on the ground that the defendants admitted arrogantly to every violation and the evidence speaks for themselves. And **urgent injunction** is demanded to end the plaintiff's suffering.
- 3- The plaintiff is still waiting for the defendants' final response regarding their willingness to identify and meet the plaintiff needs and promote his advancement and excellence etc.. and the plaintiff without waving any rights will submit his plans for the proper identification and meeting of plaintiff needs etc...
- 4- The defendants are liable not only for failure/refusal to identify and meet the plaintiff needs but also by subjecting the plaintiff to seek alternative from other parties to identify and meet the plaintiff's needs. In other words, the defendants are liable for any action done by the plaintiff or any third party while in process of identification and meeting of the plaintiff's needs and etc...
- 5- The merit of this case is extremely high, and many lawyers told the plaintiff of the merit of being a CLASS action if other conditions are met
- 6- The plaintiff demanded a jury decision. The jury will side with the plaintiff because the public is sickened by corporate corruption and scandal(Enron and WorldCom etc.) especially when this case is a lot more scandalous(millions of dollars money missing every year, Fraud and corruption and abuse of non-profit status, executives like Dennis Donohue gave himself a 70 thousand US\$ **pay raise** in one year and this does not include the allowance etc...)
- 7- The jury will not be merciful with the defendants who have shown their readiness to destroy and crush the plaintiff instead of trying to identify and meet his needs etc...all these litigations could have been prevented or reduced, but the defendants do have other agenda.
- 8- The defendants must stop their destruction for every new property the plaintiff acquire and try to use(properties are different in the cases 3:99-CV-680-D and this case 3:01-Cv-1301-L)
- 9- The plaintiff stands firm in his position that any filing done by the defendants absent identifying and meeting of the plaintiff's needs constitute evidence against the defendants and subject the plaintiff to prejudice(one claim raised in this case, never raised before).
- 10- The defendants failed to identify/meet the plaintiff NEEDs therefore, all the claims brought against the defendants are proven(failure to fulfill their obligation, fraud and deception in their practices, and unjust enrichment at the expense of the plaintiff's needs) and because the defendants claims of tax exempt is linked to identifying and meeting of the plaintiff's needs. The defendants also violated not only the obligation commitment toward the plaintiff but also to their non-profit status claims fraudulently—evidence speaks for themselves, and the defendant must stop using the plaintiff for their tax exempt purpose because the plaintiff needs were never identified or met and his excellence and advancement did not exist as they were supposed to.
- 11- The plaintiff further rejects the defendants' allegation that they don't understand the plaintiff's words or needs. Simply the plaintiff is using the defendants' languages and the defendants must have known their own language better than

anybody else. Furthermore, the defendants are liable for any misunderstanding of any filing by the plaintiff because the defendants opposed the plaintiff requests for appointment of a counsel(part of the plaintiff's needs) where the defendants admitted that they understand everything the plaintiff filed{ the plaintiff is an able litigant etc..} and any **excuse of not answering the plaintiff claims are thus rendered void and invalid and highly rejected².**

12- Wherefore premises considered the plaintiff prays that upon consideration denies the defendants requests in entirety, and grant the plaintiff his motion for summary judgment and his requests for sanctions and urgent injunction and allow the plaintiff the reliefs long overdue and this court compensate the plaintiff for the past injustices done to him.

Certificate of service and conference: this is to certify that a true copy of the foregoing was sent to the defendants and their attorneys MRS Susan Schwartz/ Mark Roberts at their address of record via USPS regular prepaid mail on July 12, 2002 ³to the address 6688 N Central Expressway# 850, Dallas, Texas 75206-3913. Tel 214-219-8833. the plaintiff also sent a copy of this filing via email to the defendants attorney on the same day. And the plaintiff may send a copy to other parties or to the media

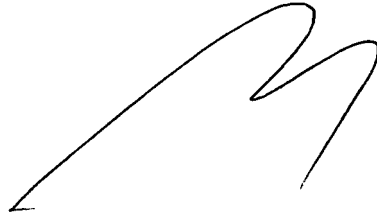
Respectfully submitted

Dr Jamal Elhaj_chehade, pro-se(tentatively), plaintiff

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² The defendants ECFMG shut down the website www.maxpages.com/bestdoctors belonging to Dr Daniel Klage because of its criticism to the defendants practices, it is not the first time to do such a thing shutting down a free voice.

³ The plaintiff without waiving any rights or the alternatives will submit his own plans for advancement and excellence and identifying and meeting of the plaintiff's NEEDS- But since the defendants are supposed to do it, the plaintiff must wait for their answer.